

House bill No. 728, a bill to be entitled "An act to provide for the publication and distribution of the Revised Civil Statutes, the Penal Code, and Code of Criminal Procedure of the State of Texas, adopted and established by the Twenty-fourth Legislature of the State of Texas, and to make an appropriation therefor."

Bill read second time and passed to third reading.

On motion of Senator Sherrill, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—25.

Atlee,	Lewis,
Bailey,	McComb,
Beall,	Presler,
Boren,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Steele,
Dickson,	Tips,
Gage,	Whitaker,
Harrison,	Woods.
Lawhon,	

Nays—none.

Absent, excused.

Agnew,	McKinney,
Goss,	Stafford.
Greer,	

Absent, not excused.

Lasker.

Bill read third time, and passed by the following vote:

Yeas—25.

Atlee,	Lewis,
Bailey,	McComb,
Boren,	Presler,
Bowser,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Steele,
Gage,	Tips,
Harrison,	Whitaker,
Lasker,	Woods.
Lawhon,	

Nays—none.

Absent, excused.

Agnew,	McKinney,
Goss,	Stafford.
Greer,	

Absent, not excused.

Beall.

On motion of Senator Steele, regular order of business was suspended to take up

House bill No. 703, a bill entitled "An act to amend section 1 of chapter 69 of the general laws passed by the Sixteenth Legislature of Texas, approved March 26, 1879, entitled 'An act to amend sections 6 and 9 of an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16, of the Constitution of the State of Texas, authorizing the passage of stock and fence laws,' approved August 15, 1876, defining a lawful fence."

Bill read second time.

Senator Lewis called up.

Senate bill No. 220, a bill to be entitled "An act to amend article 644b of an act entitled 'An act to amend title 20 of the Revised Civil Statutes of the State of Texas, entitled Private Corporations, by adding another chapter thereto, to be styled chapter fourteen, authorizing the construction, owning and operating deep water channels and docks,' approved April 1, 1887,"

With House amendments thereto, and moved that the Senate concur in same.

Concurred.

Senator Presler moved to adjourn to 3 p. m.

Senator Dean moved to adjourn to 9:30 a. m. tomorrow.

Adjourned to 9:30 a. m. tomorrow.

## EIGHTY-NINTH DAY.

Senate Chamber,

Austin, Texas, April 27, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee,	Lasker,
Bailey,	Lawhon,
Beall,	Lewis,
Boren,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Steele,
Gage,	Tips,
Goss,	Whitaker,
Harrison,	Woods.

Absent, excused.

Agnew,	Stafford.
McKinney,	

Absent, not excused.

Dickson,	McComb,
Greer,	Presler.

Prayer by Chaplin, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Steele, the same was suspended.

On motion of Senator Boren, Senator Dickson was excused indefinitely on account of sickness.

On motion of Senator Rogers, Senator McComb was excused for today on account of sickness.

Call concluded.

#### SPECIAL ORDER.

The Chair laid before the Senate, House joint resolution No. 32, "A joint resolution amending article 6, section 2, of the Constitution of the State of Texas, requiring persons of foreign birth to declare their intention to become citizens of the United States twelve months before any election at which such persons may offer to vote."

Resolution read third time and lost on final passage (requiring two-thirds) by the following vote:

##### Yeas—15.

Bailey,	Lawhon,
Beall,	Rogers.
Boren.	Sherrill,
Colquitt,	Steele,
Darwin,	Tips,
Gage.	Whitaker,
Harrison,	Woods.
Lasker,	

##### Nays—6.

Atlee,	Shelburne,
Dibrell,	Simpson,
Lewis,	Smith.
	Absent, excused.
Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

##### Absent, not excused.

Bowser,	Greer,
Dean,	Presler.
Goss,	

#### UNFINISHED BUSINESS.

The Chair laid before the Senate, House bill No. 703, a bill entitled "An act to amend section 1 of chapter 69 of the general laws passed by the Sixteenth Legislature of Texas, and approved March 26, A. D. 1879, entitled 'An act to amend sections 6 and 9 of an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16, of the Constitution of the State of Texas, authorizing the passage of stock and fence laws,' approved August 15, 1876, defining a lawful fence,"

Being upon its final passage to third reading.

By Senator Steele:

Amend by striking out the word "three" in line 23, page 2, and inserting the word "four."

Adopted.

Bill passed to third reading.

On motion Senator Steele, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

##### Yeas—21.

Atlee,	Lewis,
Bailey,	Rogers.
Beall,	Shelburne,
Boren.	Sherrill,
Colquitt,	Simpson,
Darwin,	Smith,
Dean.	Steele,
Dibrell,	Tips,
Gage.	Whitaker,
Lasker.	Woods.
Lawhon,	

##### Nays—1.

Harrison.

##### Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

##### Absent, not excused.

Bowser,	Greer.
Goss,	Presler.

Bill read third time.

By Senator Harrison:

Amend line 24 by striking out "thirty" and inserting in lieu thereof "twenty."

Lost by the following vote:

##### Yeas—3.

Bailey,	Harrison.
Darwin,	

##### Nays—21

Atlee,	Lewis,
Beall,	Rogers,
Boren,	Shelburne,
Bowser,	Sherrill,
Colquitt,	Simpson,
Dean.	Smith,
Dibrell,	Steele,
Gage,	Tips,
Greer.	Whitaker,
Lasker,	Woods.
Lawhon,	

##### Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

##### Absent, not excused.

Goss,	Presler.
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Bill passed by the following vote:

##### Yeas—23.

Atlee,	Darwin,
Bailey,	Dean.
Beall,	Dibrell,
Boren,	Gage,
Bowser,	Greer,
Colquitt,	Lawhon,

Lewis.  
Presler,  
Rogers,  
Shelburne,  
Sherrill,  
Simpson,

Smith,  
Steele,  
Tips,  
Whitaker,  
Woods.

Nays—1.

Harrison.

Absent, excused.

Agnew,  
Dickson,  
McComb,

McKinney,  
Stafford.

Absent, not excused.

Goss,

Lasker.

Senator Steele moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Rogers, regular order of business was suspended to take up

House bill No. 230, a bill entitled "An act for the relief of John A. Caplen, and to return to him certain moneys in the State Treasury, being proceeds of sale of land escheated to the State, which was purchased by him."

Bill read third time and passed.

Senator Rogers moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Colquitt,

House bill No. 593, a bill to be entitled "An act to amend article 3600 of the Revised Civil Statutes of the State of Texas,"

Was taken up.

Bill read second time.

By Senator Colquitt:

"Sec. 3. The near approach of close of the present session of the Legislature, and the great importance of this bill to the counties of the State, creates an emergency that the rule requiring bills to be read on three several days be suspended and this bill be placed upon its third-reading and final passage."

Adopted.

Bill passed to third reading.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—24.

Atlee,  
Bailey,  
Beall,  
Boren,  
Colquitt,  
Darwin,  
Dean,  
Dibrell,

Gage,  
Goss,  
Harrison,  
Lasker,  
Lawhon,  
Lewis,  
Presler,  
Rogers,

Shelburne,  
Sherrill,  
Simpson,  
Smith,

Steele,  
Tips,  
Whitaker,  
Woods.

Nays—none.

Absent, excused.

Agnew,  
Dickson,  
McComb,

McKinney,  
Stafford.

Absent, not excused.

Bowser,

Greer.

Bill read third time and passed.

By consent the following bill was sent up:

By Senator Lewis:

A bill to be entitled, "An act to authorize the State of Texas to institute condemnation proceedings condemning lands for the purpose of erecting or maintaining penitentiaries thereon, or other public buildings necessary for the transaction of public business."

Read first time and referred to Judiciary Committee No. 1.

On motion of Senator Smith, regular order of business was suspended to take up,

House bill No. 166, a bill entitled "An act to amend sections 1 and 2, chapter 86, of the general laws of the State of Texas; passed by the Twenty-third Legislature, exempting Denton, Cherokee, Nacogdoches and Navarro counties from the provisions of said law, making it a penal offense to use traps, nets, and seines for the purpose of taking fish."

Bill read second time and passed to third reading.

By Senator Rogers:

Amend the caption and the bill by striking out Cherokee county, wherever it occurs.

Adopted.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage, by the following vote:

Yeas—23.

Atlee,  
Bailey,  
Beall,  
Boren,  
Colquitt,  
Darwin,  
Dean,  
Dibrell,  
Gage,  
Greer,  
Harrison,  
Lawhon,

Lewis,  
Presler,  
Rogers,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,  
Steele,  
Tips,  
Whitaker,  
Woods.

Nays—none.

Absent, excused.

Agnew, McKinney,  
Dickson, Stafford.  
McComb,

Absent, not excused.

Bowser, Lasker.  
Goss,

Bill read third time, and passed by the following vote:

Yeas—22.

Atlee, Lawhon,  
Bailey, Lewis,  
Beall, Presler,  
Boren, Shelburne,  
Colquitt, Sherrill,  
Darwin, Simpson,  
Dean, Smith,  
Dibrell, Steele,  
Gage, Tips,  
Greer, Whitaker,  
Harrison, Woods.

Nays—1.

Rogers.

Absent, excused.

Agnew, McKinney,  
Dickson, Stafford.  
McComb,

Absent, not excused.

Bowser, Lasker.  
Goss,

Senator Smith moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

#### IN SENATE.

House bill No. 354, a bill to be entitled "An act to define and fix the salaries of the clerks of the Supreme Court and of the Court of Criminal Appeals and of the Courts of Civil Appeals, and to provide for the manner of collecting same, and to make it the duty of such clerks to pay to the State Comptroller the excess of fees collected by them over and above their salaries."

Read first time and referred to Committee on State Affairs.

House bill No. 450, a bill to be entitled "An act to amend an act entitled 'An act to amend article 4724, chapter 3, title 95 of the Revised Civil Statutes, to fix and equalize the compensation of assessors of taxes,' approved March 28, 1883."

Read first time and referred to Committee on Finance.

House bill No. 270, a bill to be entitled "An act to provide for the levy and collection of an annual ad valorem State tax for the general revenue purposes of twenty cents on the one hundred dollars valuation."

Read first time and referred to Committee on Finance.

By consent the following resolution was sent up by Senator Tips:

Resolved, That the Committee on Contingent Expenses is hereby authorized to allow and cause to be paid, out of the contingent expense fund, to porters W. Simms and Clay Aldridge, the sum of \$5 each, for two days services each at \$2.50 per day, rendered after the adjournment of the Twenty-third Legislature, for which they received no pay.

Adopted.

By consent, the following committee reports were sent up:

Committee Room,

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 24, a bill to be entitled "An act to amend section 12 of an act entitled 'An act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville,' approved April 2, 1889,"

And find the same correctly enrolled, and have this day, at 10 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 170, a bill entitled "An act to amend an act entitled 'An act to amend article 1054, chapter 2, title 15 of the Code of Criminal Procedure, as amended by an act of the Twenty-first Legislature,' approved April 4, 1889, constituting chapter 93, General Laws of the State of Texas, 1891."

And find the same correctly enrolled, and have this day, at 10 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 89, "An act to amend articles 483, 484, and 485 of the Code of Criminal Procedure of the State of Texas, prescribing the manner in which citations shall be served upon witnesses disobeying subpoenas in criminal cases,

the character of judgment that may be rendered in such cases, and providing for the collection of same."

And find the same correctly enrolled, and have this day, at 10 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 209. "An act to amend article 4767, section 1. of the Revised Civil Statutes of the State of Texas, with reference to the compensation of tax collectors, so as to regulate the division of commissions between incoming and outgoing collectors, so as to prevent double payment,"

And find the same correctly enrolled, and have this day, at 10 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room.

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 106, being "An act to authorize the incorporation of companies for the purpose of constructing union depots, and to authorize railway companies to own stocks and bonds of such depot companies, and to regulate the issuance of bonds by such union depot companies,"

And find the same correctly enrolled, and have this day at 10 o'clock a. m. presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 42, "An act to amend article 683b of the Penal Code of the State of Texas, as enacted by the Legislature of said State, by an act entitled an act to amend article 683, chapter 3, title 17, of the Penal Code of the State of Texas, relating to malicious mischief, and providing a penalty therefor by adding thereto article 683b, approved March 22, 1889, and amendatory of said recited act, and to define and punish the offense of wilfully and maliciously throwing missiles, firing

guns or other fire arms at or into moving trains on railroads or any railway depot, private residence, school house, church house, court house, store house, hotel or other public or private building, sailboat, or steamboat in this State,"

And find the same correctly enrolled, and have this day at 11: a. m. presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 26, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 258, "An act to amend sections 2, 20, 24, 29, 43, 138, 144, 148, 156 and 159 of an act entitled 'An act to incorporate the city of Dallas and to grant it a new charter,' approved March 13, 1889, and to add thereto sections 154a, 154b, 154c, 158a and 159a, and to repeal section 185 of said act, and also to amend section 158 of an act entitled 'An act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature and certified to by the Secretary of State March 9, 1891, and also sections 120 and 161 of an act entitled an act to amend sections 6, 8, 9, 10, 14, 15, 61 and 185 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, and section 161 of said act as amended in 1891, and to repeal section 10 of an act entitled an act to amend sections 10, 21, 28, 94, 120, 140 and 158 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature and certified to by the Secretary of State on March 9, 1891, and to repeal all conflicting laws; and to conform same to the objections of the Governor in his veto message of March 18, 1893, passed by the Twenty-third Legislature, and certified to by the Secretary of State April 12, 1893, and to repeal all conflicting laws,"

And find the same correctly enrolled, and have this day, at 10 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 298, "An act to amend the act creating the Sixth Judicial District, and fixing the times for holding the terms of court therein, and to repeal all laws and parts of laws in conflict with this act,"

And find the same correctly enrolled, and have this day, at 10 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 300, a bill to be entitled "An act to amend sections 43 and 203 of an act incorporating the city of San Antonio, approved August 13, 1870, and all acts amendatory thereof, passed by the Twenty-second Legislature, being chapter 24 of said acts, and to add sections 203a and 203b thereto,"

And find the same correctly engrossed:

BAILEY, Chairman.

On motion of Senator Dean, regular order of business was suspended to take up

Senate bill No. 312, a bill entitled "An act to amend article 1784 of title 36, Revised Civil Statutes of Texas, relating to escheated estates."

Bill read second time.

By Senator Dean:

Amend by adding section 2 as follows:

"Section 2. Whereas, there is no law enabling purchasers to receive from the State the amount paid by them when such estates are sued for and recovered by heirs or legal representative of deceased; and whereas, there are funds now in the State Treasury belonging to such purchaser and no law authorizing the Treasury to repay same; therefore an emergency is created and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended and that this act be in force and effect from and after its passage, and it is so enacted."

Adopted.

Bill ordered engrossed.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—22.

Atlee,	Dean.
Beall,	Dibrell,
Boren,	Gage,
Colquitt,	Greer.
Darwin,	Harrison,

Lawhon,	Simpson,
Lewis,	Smith,
Presler,	Steele,
Rogers,	Tips.
Shelburne,	Whitaker,
Sherrill,	Woods.

Nays—none.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

Absent, not excused.

Bailey,	Goss.
Bowser,	Lasker.

The bill was read third time, and passed by the following vote:

Yeas—22.

Atlee,	Lewis,
Beall,	Presler,
Boren,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill.
Dean,	Simpson,
Dibrell,	Smith,
Gage,	Steele,
Greer,	Tips,
Harrison,	Whitaker,
Lawhon,	Woods.

Nays—none.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

Absent, not excused.

Bailey,	Goss.
Bowser,	Lasker.

Senator Dean moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Dibrell, regular order of business was suspended to take up

House bill No. 32, a bill to be entitled "An act to provide for the survival of causes of action for personal injuries other than those resulting in death, and for the enforcement thereof."

Bill read second time and passed to third reading:

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—23.

Atlee,	Darwin,
Beall,	Dean.
Boren,	Dibrell,
Bowser,	Gage,
Colquitt,	Greer,

Harrison,	Simpson.
Lawhon,	Smith.
Lewis,	Steele.
Presler,	Tips,
Rogers,	Whitaker,
Shelburne,	Woods.
Sherrill,	

Nays—none.

Absent, excused.

Agnew.	McKinney,
Dickson,	Stafford.
McComb,	

Absent, not excused.

Bailey,	Lasker.
Goss,	

The bill was read third time, and passed by the following vote:

Yeas—22.

Atlee,	Lewis.
Beall,	Presler,
Bowser,	Rogers.
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean.	Simpson.
Dibrell,	Smith,
Gage,	Steele,
Greer,	Tips,
Harrison,	Whitaker,
Lawhon,	Woods.

Nays—none.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

Absent, not excused.

Bailey,	Goss,
Boren,	Lasker.

Senator Dibrell moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Simpson, regular order of business was suspended to take up

Substitute House bill No. 302, a bill to be entitled "An act to provide for a supplemental assessment roll, and to collect taxes due by persons or upon property not listed by the tax assessor."

Bill read second time and passed to third reading.

On motion of Senator Simpson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—23.

Atlee,	Colquitt,
Beall.	Darwin,
Boren,	Dean,
Bowser,	Dibrell,

Gage,	Sherrill,
Greer,	Simpson,
Harrison,	Smith.
Lawhon,	Steele,
Lewis.	Tips,
Presler,	Whitaker,
Rogers,	Woods.
Shelburne,	

Nays—none.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

Absent, not excused.

Bailey,	Lasker.
Goss,	

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee,	Lewis.
Bailey,	Presler,
Beall,	Shelburne,
Boren,	Sherrill,
Bowser.	Simpson,
Colquitt,	Smith,
Dean,	Steele,
Dibrell,	Tips,
Gage,	Whitaker,
Greer.	Woods.
Lawhon,	

Nays—none.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

Absent, not excused.

Darwin,	Lasker,
Goss,	Rogers.
Harrison,	

Senator Simpson moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Woods, regular order of business was suspended to take up

Substitute House bill No. 19, a bill to be entitled "An act to amend chapter 1, title 14, of the Penal Code, so as to insert article 450a, providing for the prosecution in one bill of indictment of all such offenses as are based upon the same forged instrument of writing, and to prevent the double collection of fees in such cases."

Bill read second time and passed to third reading.

On motion of Senator Woods, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

## Yeas—22.

Atlee,	Lewis,
Bailey,	Presler,
Boren,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Gage,	Smith,
Greer,	Steele,
Harrison,	Tips,
Lasker,	Whitaker,
Lawhon,	Woods.

## Nays—2.

Beall,	Dibrell.
Absent, excused.	
Agnew,	McKinney,
Dickson,	Stafford.
McComb,	
Absent, not excused.	
Bowser,	Goss.

Bill read third time, and passed by the following vote:

## Yeas—19.

Bailey,	Presler,
Boren,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Smith,
Gage,	Steele,
Greer,	Tips,
Lasker,	Whitaker,
Lawhon,	Woods.
Lewis,	

## Nays—3.

Beall,	Harrison.
Dibrell,	
Absent, excused.	
Agnew,	McKinney,
Dickson,	Stafford.
McComb,	
Absent, not excused.	
Atlee,	Goss,
Bowser,	Simpson.

Senator Woods moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

• Tabled.

The Chair gave notice of signing, and did sign after the captions of same had been read,

House bill No. 271, "An act to provide for the levy and collection of an annual ad valorem State school tax of twenty cents on the one hundred dollars valuation for the maintenance of the public free schools."

House bill No. 225, "An act to provide for the organization and control of school districts lying partly within two or more counties and school communities composed of persons living within two or more counties."

House bill No. 14, "An act to amend article 1094, of chapter 4, of title 15, of the Code of Criminal Procedure of the State of Texas."

House bill No. 696, "An act to be entitled 'An act to change and fix the times for holding courts in the Thirty-ninth Judicial District of the State of Texas, and to repeal all laws or parts of laws in conflict herewith.'"

House bill No. 171, "An act to provide for the abolishment of the corporations of cities and towns containing fifteen hundred inhabitants or less."

House joint resolution No. 18, being a joint resolution to amend section 4 of article 7 of the Constitution of the State of Texas."

House bill No. 669, "An act to authorize the Fort Worth and Denver City Railway Company to fund its outstanding mortgage debt, and to substitute new bonds therefor, and secure the same by a mortgage upon its corporate property and franchises."

House bill No. 581, "An act for the relief of Mrs. Jane W. Humphreys, widow of P. W. Humphreys, and to grant her a certificate for 1280 acres of land."

House bill No. 662, "An act to limit the age at which persons shall be required to work upon the public roads of this State, or upon the streets and alleys of cities and towns of this State," and fixing said limit from 21 to 45.

On motion of Senator Whitaker, regular order of business was suspended to take up

Senate bill No. 306, a bill to be entitled "An act to amend article 39, title 1, chapter 2 of the Code of Criminal Procedure of the State of Texas, relating to the appointment of an attorney pro tem. to represent the State."

Bill read second time.

By Senator Whitaker:

Amend article 39 by adding the following: "Provided, that the county attorney, nor any one appointed to represent the State, shall not be allowed any fee for prosecuting the pleas of the State, unless such attorney is present when such case is tried."

Adopted.

Bill ordered engrossed.

On motion of Senator Whitaker, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

## Yeas—22.

Atlee,	Colquitt,
Bailey,	Darwin,
Beall,	Dean,
Boren,	Dibrell,
Bowser,	Gage,



Greer,  
Harrison,  
Lawhon,  
Lewis,  
Shelburne,  
Sherrill,

Simpson,  
Smith,  
Steele,  
Tips,  
Whitaker,  
Woods.

Nays—none.

Absent, excused.

Agnew,  
Dickson,  
McComb,

McKinney,  
Stafford.

Absent, not excused.

Goss,  
Lasker.

Presler,  
Rogers.

Read third time, and passed by the following vote:

Yeas—22.

Atlee,  
Bailey,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Dean,  
Dibrell,  
Gage,  
Greer,  
Harrison,

Lasker,  
Lawhon,  
Lewis,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,  
Steele,  
Tips,  
Whitaker,  
Woods.

Nays—none.

Absent, excused.

Agnew,  
Dickson,  
McComb,

McKinney,  
Stafford.

Absent, not excused.

Darwin,  
Goss,

Presler,  
Rogers.

Senator Whitaker moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Gage, regular order of business was suspended to take up

House bill No. 688, entitled "An act to authorize the Commissioner of the General Land Office to issue to the heirs of S. H. Carter a patent to the north half and southeast quarter of section No. 2, block No. 1, Fisher county, Texas, as surveyed by the San Antonio and Mexican Gulf Railway Company, and set apart to the benefit of the common school fund of the State of Texas."

Bill read second time and passed to third reading.

On motion of Senator Gage, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee,  
Bailey,  
Beall,  
Boren,  
Darwin,  
Dean,  
Dibrell,  
Gage,  
Greer,  
Harrison,  
Lasker.

Lawhon,  
Lewis,  
Presler,  
Rogers,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,  
Tips,  
Whitaker,  
Woods.

Nays—none.

Absent, excused.

Agnew,  
Dickson,  
McComb,

McKinney,  
Stafford.

Absent, not excused.

Bowser,  
Colquitt,

Goss,  
Steele.

Bill read third time and passed.

### HOUSE MESSAGE.

House of Representatives,  
Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 284, "An act to amend sections 1, 3, 4, 5, 7, 8 and 9 of an act passed by the Twenty-first Legislature, approved April 5, 1889, being an act relating to the liens of mechanics, contractors, sub-contractors, builders, laborers and material men."

Senate bill No. 186, "An act to amend article 2519 of chapter 6, Revised Civil Statutes of the State of Texas, so as to compel county judges to require that the bonds of guardians be kept solvent, and prescribing their liability for negligence so to do."

Senate bill No. 238, "An act making appropriations for registered and estimated deficiencies in the appropriations for the State government from March 1, 1893, to February 28, 1895, and for previous years,"

With House amendments.

Passed by the following vote: Ayes 83, nays 16.

Senate bill No. 171, "An act to amend articles 423, 424, 425, 426, 427, 428, 429, of the Penal Code of the State of Texas, and the several acts of the Legislature amendatory thereof, and adding 425a, 425b, 425c, 426a, 428a, 429a, 429b, 429c, 429d, 429e, 429f, 429g, 429h, 429i, 429j, amending the general game law, and to repeal all laws and parts of laws in conflict herewith,"

With House amendments.

Senate bill No. 120, "An act to amend

article 1011b of the Revised Civil Statutes of Texas, as amended by an act entitled "An act to amend articles numbers 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1025, 1033, 1039, 1043, 1034, 1049, 1050, 1056, 1057, 1058, 1060, of the Revised Civil Statutes of Texas; and to add articles 1011a, 1011b, 1011c, 1011d, 1011e, and to repeal articles numbers 1006, 1007, 1008, 1009, 1034, 1035, 1036, 1037, 1038, 1045, 1046, 1048, of the same title of the Revised Civil Statutes of Texas, and to provide for the transfer of cases pending in the Supreme Court to the Court of Civil Appeals, passed by the special session of the Twenty-second Legislature, approved April 13, 1892, relating to writs of error from the Supreme Court to the Courts of Civil Appeals."

House bill No. 156, a bill to be entitled "An act to amend chapter 4, title 93, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4610a," with engrossed rider.

Senate bill No 123, "An act to amend article 1011a of the Revised Civil Statutes of Texas, as amended by an act entitled an act to amend articles Nos. 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1025, 1033, 1039, 1043, 1044, 1049, 1050, 1056, 1057, 1058, 1060, of the Revised Civil Statutes of the State of Texas, and to add articles Nos. 1006, 1007, 1008, 1009, 1034, 1035, 1036, 1037, 1038, 1045, 1046, 1048, of the same title of the Revised Civil Statutes of the State of Texas, and to provide for the transfer of cases pending in the Supreme Court to the Court of Civil Appeals," passed by the special session of the Twenty-second Legislature, approved April 13, 1893, relating to writs of error from the Supreme Court to the Courts of Civil Appeals."

With House amendments.

Senate bill No. 175, "An act the better and more fully to promote the development of the mining resources of Texas, and to repeal all laws in conflict with the provisions of this act."

With House amendments.

House bill No. 394, a bill to be entitled "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the manner of the sale of said bonds."

Respectfully,  
CHESTER HAILE, Chief Clerk.

By consent, the following committee report was sent up:

Committee Room,  
Austin, Texas, April 27, 1895.  
Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 314, a bill to be entitled "An act to authorize the State of Texas to institute condemnation proceedings condemning lands for the purpose of erecting or maintaining penitentiaries thereon or other public buildings necessary for the transaction of public business,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and that the same be not printed.

SMITH, Chairman.

Committee Room,

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Labor, to whom was referred

House bill No. 67, a bill to be entitled "An act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen and common laborers; to provide a lien and prescribe the time of payments, and in lawful money of the United States; providing for attorneys' fees in foreclosing such liens and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HARRISON, Chairman.

Committee Room,

Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 312, being "An act to amend article 1784 of title 36, Revised Civil Statutes of Texas, relating to escheated estates,"

And find the same correctly engrossed.

BAILEY, Chairman.

On motion of Senator Lewis, regular order of business was suspended to take up,

House bill No. 638, a bill entitled "An act for the creation of natural premium or business assessment life and accident insurance companies in this State, and for the regulation thereof, and to repeal all laws and parts of laws in conflict therewith."

Bill read second time and passed to third reading.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

## Yeas—21.

Atlee,	Lewis.
Bailey,	Presler,
Beall,	Rogers,
Boren,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Steele.
Greer,	Whitaker.
Harrison,	Woods.
Lasker,	

## Nays—1.

Tips.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

Absent, not excused.

Bowser,	Goss,
Gage,	Lawhon.

Bill read third time, and passed by the following vote:

## Yeas—17.

Atlee,	Lawhon,
Bailey,	Lewis,
Boren,	Presler,
Darwin,	Rogers,
Dean,	Shelburne,
Gage,	Sherrill,
Greer,	Simpson,
Harrison,	Whitaker.
Lasker,	

## Nays—6.

Beall,	Steele,
Dibrell,	Tips.
Smith,	Woods.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

Absent, not excused.

Bowser,	Goss.
Colquitt,	

Senator Tipps called up,

Senate bill No. 238, a bill to be entitled "An act making appropriations for registered and estimated deficiencies in the appropriations for the State Government from March 1, 1893, to February 28, 1895, and for previous years,"

With House amendments; and moved that the Senate do not concur in the House amendments thereto, and that a free conference committee be appointed.

Carried.

The Chair stated that the free conference committee appointed the other day on this bill would be reappointed.

Senator Dean called up

Senate bill No. 175, a bill to be entitled "An act the better and more fully to pro-

mote the development of the mining resources of Texas, and to repeal all laws in conflict with the provisions of this act,"

With House amendments, and moved that the Senate concur in House amendments.

Concurred.

## HOUSE MESSAGE.

House of Representatives,  
Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House grants request of Senate for free conference committee on Senate bill 238, and Messrs. Henderson, King, Ragsdale, Wayland. Smith of Milam are appointed on said committee on part of the House.

Respectfully,

CHESTER HAILE,  
Chief Clerk.

Senator Simpson called up

Senate bill No. 171, a bill to be entitled "An act to amend articles 423, 424, 425, 426, 427, 428, 429 of the Penal Code of the State of Texas, and the several acts of the Legislature amendatory thereof, and adding 425a, 425b, 425c, 426a, 428a, 429a, 429b, 429c, 429d, 429e, 429f, 429g, 429h, 429i, 429j, 429k, and 429l, and to repeal all laws and parts of laws in conflict herewith:"

With House amendments thereto, and moved to concur in said amendments,

Senator Bowser moved as a substitute that the Senate do not concur in said amendments.

Senator Shelburne moved as a substitute for the latter motion that the Senate do concur.

Concurred.

Senator Presler moved to suspend regular order of business to take up

House bill No. 430, a bill to be entitled "An act to provide for boards of examiners and the issuance of city teachers' certificates."

Lost.

Senator Bailey moved to suspend regular order of business to take up

Senate bill No. 247, being a bill to be entitled "An act providing for the amendment of article 2971 of the Revised Statutes of the State of Texas, and to substitute in lieu thereof the following, viz."

Suspended by the following vote:

## Yeas—15.

Beall,	Greer,
Colquitt,	Harrison,
Dean,	Lasker,
Gage,	Lewis,

Presler,  
Shelburne,  
Sherrill,  
Simpson,

Tips,  
Whitaker,  
Woods.

Nays—7.

Boren,  
Bowser,  
Darwin,  
Dibrell,

Lawhon,  
Smith,  
Steele.

Absent, excused.

Agnew,  
Dickson,  
McComb,

McKinney,  
Stafford.

Absent, not excused.

Atlee,  
Bailey,

Goss,  
Rogers.

Bill read third time.

Senator Beall moved to postpone further consideration of the bill indefinitely.

Lost by the following vote:

Yeas—10.

Beall,  
Boren,  
Colquitt,  
Darwin,  
Dibrell,

Harrison,  
Lawhon,  
Rogers,  
Smith,  
Steele.

Nays—13.

Bailey,  
Bowser,  
Dean,  
Greer,  
Lasker,  
Lewis,  
Presler,

Shelburne,  
Sherrill,  
Simpson,  
Tips,  
Whitaker,  
Woods.

Paired.

Yea.                      Nay.  
Gage,                      McComb.

Absent, excused.

Agnew,  
Dickson,

McKinney,  
Stafford.

Absent, not excused.

Atlee,                      Goss.

Pending action on final passage,

Senator Smith moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Atlee,  
Bailey,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Darwin,  
Dean,  
Dibrell,  
Gage,  
Greer,  
Harrison,  
Lasker,

Lawhon,  
Lewis,  
Presler,  
Rogers,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,  
Steele,  
Tips,  
Whitaker,  
Woods.

Absent, excused.

Agnew,  
Dickson,  
McComb,

McKinney,  
Stafford.

Absent, not excused.

Goss.

Pending business going to the table,  
On motion of Senator Dean, regular order of business was suspended to take up

House bill No. 457, a bill to be entitled "An act to reorganize the Forty-first Judicial District, and to provide the times of holding the terms of the district courts in said district."

Bill read second time and passed to third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—23.

Atlee,  
Bailey,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Darwin,  
Dean,  
Dibrell,  
Gage,  
Harrison,  
Lasker,

Lawhon,  
Presler,  
Rogers,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,  
Steele,  
Tips,  
Whitaker,  
Woods.

Nays—1.

Greer.

Absent, excused.

Agnew,  
Dickson,  
McComb,

McKinney,  
Stafford.

Absent, not excused.

Goss,                      Lewis.

Bill read third time, and passed by the following vote:

Yeas—23.

Atlee,  
Bailey,  
Boren,  
Bowser,  
Colquitt,  
Darwin,  
Dean,  
Dibrell,  
Gage,  
Harrison,  
Lasker,  
Lawhon,

Lewis,  
Presler,  
Rogers,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,  
Steele,  
Tips,  
Whitaker,  
Woods.

Nays—none.

Absent, excused.

Agnew. McKinney,  
Dickson. Stafford.  
McComb,

Absent, not excused.

Beall, Greer.  
Goss.

On motion of Senator Boren, regular order of business was suspended to take up

House concurrent resolution No. 22, authorizing and instructing the State Board of Public Printing to dispose of the property composing what is known as the State printing office.

Resolution read second time.

By Senator Tips:

Amend by striking out in line 21, section 1, by striking out the words "book-binding and ruling machinery."

Adopted.

The resolution as amended was then adopted.

Senator Goss was announced.

By consent the following committee report was sent up:

Committee Room,  
Austin, Texas, April 27, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 306, being "An act to amend article 39, title 1, chapter 2, of the Code of Criminal Procedure of the State of Texas, relating to the appointment of an attorney pro tem. to represent the State,"

And find the same correctly engrossed.

BAILEY, Chairman.

#### IN SENATE.

House bill No. 394, being "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the manner of the sale of said bonds."

Read first time and referred to Committee on Finance.

House bill No. 156, a bill to be entitled "An act to amend chapter 4, title 93, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4610a, relating to elections for stock laws."

Read first time and referred to Committee on Finance.

Senator Gage moved to excuse Senator Lawhon, from next Monday indefinitely.

Lost.

The Chair announced the following committee to select such officers and employes as should be retained after adjournment, to specify their duties, number of days, pay, etc.: Senators Rogers, Colquitt, Gage.

Senator Bowser sent up the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby authorized and instructed to have in some suitable place in the Senate chamber the frame containing the photographs of the Senate of the Twenty-fourth Legislature.

Adopted.

Senator Atlee entered a motion to reconsider the vote by which House joint resolution No. 32 was lost.

Senator Atlee moved to reconsider the vote by which the Senate refused to excuse Senator Lawhon.

Reconsidered.

Senator Lawhon was then excused.

Senator Darwin moved to adjourn to 7:30 p. m.

Senator Colquitt moved to adjourn to 9:30 a. m. Monday.

Lost by the following vote.

Yeas—12.

Atlee,	Lasker,
Beall,	Lawhon,
Boren,	Smith,
Colquitt,	Steele,
Dean,	Whitaker,
Greer,	Woods.

Nays—14.

Bailey,	Lewis,
Bowser,	Presler,
Darwin,	Rogers,
Dibrell,	Shelburne,
Gage,	Sherrill,
Goss,	Simpson,
Harrison,	Tips.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

The Senate then refused to adjourn to 7:30 p. m. by the following vote:

Yeas—11.

Atlee,	Lawhon,
Beall,	Smith,
Bowser,	Steele,
Darwin,	Whitaker,
Gage,	Woods.
Harrison,	

Nays—14.

Bailey,	Lewis,
Boren,	Presler,
Colquitt,	Rogers,
Dean,	Shelburne,
Dibrell,	Sherrill,
Goss,	Simpson,
Greer,	Tips.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

Absent, not excused.  
Lasker.

The Chair announced that as the Senate was full, action was upon the final passage of Senate bill 247 (see caption above).

Pending action,

Senator Lewis moved to suspend regular order and take up

Senate bill No. 314, a bill to be entitled "An act to authorize the State of Texas to institute condemnation proceedings, condemning lands for the purpose of erecting or maintaining penitentiaries thereon, or other public buildings necessary for the transaction of public business."

Lost.

Senator Steele moved to postpone further action on Senate bill No. 247 (see caption above), till Monday next.

Senator Sherrill moved the previous question upon the motion and the bill, which was seconded, and pending action.

Senator Beall made the point that a motion for the previous question on a motion to postpone was not in order.

Sustained.

Pending further action,

Senator Steele moved to adjourn to 9:30 a. m. Monday.

Adjourned by the following vote:

Yeas—14.

Atlee,	Gage,
Beall,	Goss.
Boren,	Harrison,
Bowser,	Lawhon,
Colquitt,	Smith,
Darwin,	Steele,
Dibrell,	Woods.

Nays—12.

Bailey,	Rogers,
Dean,	Shelburne,
Greer,	Sherrill,
Lasker,	Simpson,
Lewis,	Tips,
Presler,	Whitaker.

Absent, excused.

Agnew,	McKinney,
Dickson,	Stafford.
McComb,	

# NINETIETH DAY.

Senate Chamber,  
Austin, Texas, April 29, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Lasker,
Atlee,	Lewis,
Beall,	Presler,
Boren,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Stafford,
Gage,	Steele,
Goss,	Tips,
Greer,	Whitaker,
Harrison,	Woods.

Absent, excused.

Dickson,	McKinney.
Lawhon,	

Absent, not excused.

Bailey,	McComb.
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Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Sherrill, the same was suspended.

On motion of Senator Dibrell, Committee Clerk Cox was excused for March 27, 28 and 30, on account of sickness in his family.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, April 29, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your committee on finance, to whom was referred

House bill No. 450, a bill to be entitled "An act to amend an act entitled 'An act to amend article 4724, chapter 3, title 95 of the Revised Civil Statutes, to fix and equalize the compensation of assessors of taxes.' approved March 28, 1883,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

TIPS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Finance, to whom was referred

House bill No. 394, a bill to be entitled "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue and provide the manner of the sale of said bonds,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TIPS, Chairman.